UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:13-cr-00087-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
JAMES ISAAC DRAYTON,)	
)	
Defendant.)	

THIS MATTER is before the court on defendant's sixth pro se motion (#37), which is captioned "Motion (Rule) 11 Guilty Plea/Ineffective Assistance of Counsel." In his latest motion, defendant states that he was "high" on prescription medications at the time he entered his guilty plea, that if he knew what he was doing he would not have pled guilty because, he contends, he is innocent, that he was on suicide watch, that he was not competent to proceed, and that his attorney was ineffective in the plea process. Based on these allegations, the court will refer the instant motion to United States Magistrate Judge David S. Cayer to conduct a hearing on the following issues:

- (1) whether defendant should be allowed to withdraw his plea;
- (2) whether defendant should be referred to federal facility for determination of whether he is competent to proceed; and
- (3) whether substitute counsel should be appointed.

As defendant states that the jail records support his allegation that he was "high" at the time the plea was entered, the United States Attorney is instructed to secure defendant's jail records while

on pretrial detention, including any record of medications, sick call visits, visitation logs, and recorded jail calls for consideration by the magistrate judge at such hearing.

ORDER

IT IS, THEREFORE, ORDERED that defendant's "Motion (Rule) 11 Guilty Plea/Ineffective Assistance of Counsel" (#37) is referred to Judge Cayer to conduct a hearing on issues included but not limited to those set out in this Order.

Signed: June 19, 2014

Max O. Cogburn Jr.

United States District Judge